

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADRIAN TL JOHNSON,

Plaintiff

v.

SGT. BERNDT, *et al.*,

Defendants.

Case No. 2:20-cv-00150-JAD-EJY

ORDER

Pending before the Court is Defendants' Motion for Leave to Conduct a Deposition of Plaintiff Adrian Johnson (ECF No. 61). The Court notes that discovery in this matter closes on April 18, 2022 and, therefore, issues this Order promptly so that the deposition may proceed.

"[P]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case[.]" Fed. R. Civ. P. 26(b)(1). "[T]he scope of permissible discovery under Rule 26 is 'broad.'" *Republic of Ecuador v. Mackay*, 742 F.3d 860, 866 (9th Cir. 2014) (quoting *Shoen v. Shoen*, 5 F.3d 1289, 1292 (9th Cir. 1993)). "Information within this scope of discovery need not be admissible in evidence to be discoverable." Fed. R. Civ. P. 26(b)(1). Under Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, the deposition of a person confined in prison may only be taken by leave of Court.

Defendants seeks Plaintiff's deposition to understand all allegations raised in Plaintiff's operative Complaint as they pertain to those claims that proceeded following the Court's Screening Order. Defendants indicate they intend to take Plaintiff's deposition through a video platform. The claims that remain in this case against the identified and served Defendants were enumerated by the Court in its March 7, 2022 Order stating: "Johnson's original complaint [ECF No. 11] is the operative pleading in this case, which proceeds only on Johnson's First Amendment retaliation claim against Berndt, Heim, Leavitt, and Williams." ECF No. 57. Plaintiff does not object to having his deposition taken. ECF No. 62.

1 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Leave to Conduct a
2 Deposition of Plaintiff Adrian Johnson (ECF No. 61) is GRANTED.

3 IT IS FURTHER ORDERED that discovery is extended to allow Defendants to arrange for
4 Plaintiff's deposition, which **must** occur within the next thirty (30) days). The deposition is to last
5 no more than four (4) hours.

6 Dated this 5th day of April, 2022.

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8 
9 ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE